

13. JUN. 2002 10:11

STEINHAUSER HOOGENRAAD ADVOCATEN

NO. 4802 P. 2/4

**Steinhauser
Hoogenraad**

Advocaten

Intellectuele eigendom,
informatierechnologie en reclame
Intellectual property, IT and advertising

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AFFIDAVIT

Herewith the undersigned,

Paul Steinhauser,
Attorney at Law,
Member of the Amsterdam Bar,
Steinhauser Hoogenraad, Advocaten

Declares and states as follows:

Facts:

1. **G. DIJKSTRA**, a Dutch citizen, living at Boskoop, the Netherlands, hereinafter: Dijkstra, has been employed by the Dutch limited liability company **ANKERPOORT NV**, established at NL-6223 AG Maastricht, Op de Bos, the Netherlands, hereinafter: Ankerpoort, from 1 January 1997 until 1 December 2000 as commercial technical manager.
2. Together with three other employees of Ankerpoort, Dijkstra has been involved in the development of a new product, called "satin white". Ankerpoort recognized the possibilities to obtain patent protection for the manufacturing process of this new product and filed a patent application under the Patent Cooperation Treaty number PCT/NL00/00498, hereinafter: the Patent. Dijkstra and the three other employees were mentioned as inventor in this application.

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: S. STEINHAUSER HOOGENRAAD ADVOCATEN

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3. The nature of the service that Dijkstra was employed for entails the use of Dijkstra's special knowledge for the purposes of making inventions of the same kind as that to which the patent application relates.
4. In several countries where the application enters the national phase patent law requires that the inventor assigns his rights in respect of the to be obtained patent to the applicant, in order that the applicant can become the patent proprietor.

Law:

5. Ankerpoort and Dijkstra are both established and living in the Netherlands, Dijkstra was employed by Ankerpoort and performed his obligations under the employment contract in the Netherlands. Under International Private Law (IPR) this means that the employment agreement is subject to Netherlands' law.
6. Article 12 of the Patents Act of the Kingdom 1995 of the Netherlands reads:
Where the invention for which a patent application has been filed has been made by a person employed in the service of another person, the employee shall be entitled to the patent unless the nature of the service entails the use of the employee's special knowledge for the purposes of making inventions of the same kind as that to which the patent application relates. Should the latter be the case, the employer shall be entitled to the patent.
7. It follows from the above mentioned facts, this article 12 and the rules of IPR that Ankerpoort is entitled to the Patent in the Netherlands and anywhere else in the world.
8. This means that Ankerpoort as employer / applicant does not need an authorization from the inventor / employee Dijkstra to apply

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for the Patent and an assignment of any right to the Patent,
because Dijkstra does not have that right.

9. I declare that the above is true to the best of my knowledge and
that I am prepared to confirm it under oath if that should be
required.

Made up and signed at Amsterdam this 13th day of June 2002:



P.J.M. Steinhauser



#3

PATENT
ATTORNEY DOCKET NO. 05032-00014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Alois J.G. Aarts et al.)	Examiner:
)	
Serial No.: 10/047,449)	Art Unit: 1723
)	
Filed: January 14, 2002)	
)	
Title: PREPARATION OF SATIN WHITE)	

Assistant Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

DECLARATION OF MICHAEL SEVERIJN

Dear Sir:

The undersigned, Michael Severijn, hereby declares as follows:

1. I am a Marketing and Sales Service Manager with Ankerpoort located at Op de Bos 300, 6200 AG Maastricht, the Netherlands. I have first-hand knowledge of the following:
2. On September 11, 2002, a copy of the application including the specification claims and drawings, inventor oath and declaration and assignment documents were sent by first class mail to the home of Geert Dijkstra at of Bellefleur 9, 2771 PG Boskoop, The Netherlands by me along with a request that Geert Dijkstra review the application and execute the inventor oath and declaration and assignment.

3. The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12-9-02

Signed: 